

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

SEP 27 2021

Clerk, U.S. Courts
District of Montana
Helena Division

JOHN DANIEL FAILS, JR., pro se
Plaintiff

Civil Action No. _____

vs.

J.P. MORGAN CHASE, N.A.
Defendant

COMPLAINT

I. JURISDICTION & VENUE

1. This is a civil action authorized by Title 15 U.S.C.S. Section 1693m(g), Electronic Funds Transfer Act, for the breach of duty and trust. The Court has jurisdiction under Title 28 U.S.C.S. Sections 1331 and 1343(a)(3). Plaintiff seeks declaratory relief pursuant to Title 28 U.S.C.S. Sections 2201 and 2202.
2. The United States District Court for the District of Montana, Helena Division, is an appropriate venue under Title 28 U.S.C.S. Section 1341(b)(2) because it is where the events giving rise to this claim occurred.

II. PLAINTIFF

3. Plaintiff, JOHN DANIEL FAILS, JR., whose current address is: AD# 3022204, MONTANA STATE PRISON, 700 CONLEY LAKE RD., DEER LODGE, MT 59722;

III. DEFENDANT

4. Defendant, JP MORGAN CHASE BANK, N.A. "JP MORGAN CHASE, N.A. / CHASE / CHASE BANK," whose addresses are:
EXECUTIVE OFFICE (Mail Code: OH4-7120) 3415 Vision DR.,
COLUMBUS, OH 43219 and/or (Internal Mail Code: TX3-762A)
P.O. Box 659732, SAN ANTONIO, TX 78265-9751;
5. The above two (2) addresses are the addresses to the Executive Offices that the Plaintiff has been communicating with the defendant;

IV. FACTS

6. Plaintiff is a Chase Military Banking checking account customer with two different checking accounts:

CHECKING ACCOUNT No. 665262173

CHECKING ACCOUNT No. 665260193

7. After the Plaintiff was arrested in April, 2021, he wrote the branch manager at the Moscow, Idaho branch, which was the closest Chase Bank to his location at the Montana State Prison located in Deer Lodge, Montana.
8. In this letter to the Moscow, Idaho branch manager, which was sent by Certified Mail / Return Receipt Requested [TRACKING No. 9171969009350235354043], asking for a cashier's check to be sent to the Plaintiff so that he could purchase his commissary while in prison and he informed them to freeze his accounts due

him being incarcerated.

9. After approximately three (3) weeks, Plaintiff had not received his requested cashier's check from his account.
10. Plaintiff was allowed to use the phone to be able to call the customer service line by the MDIU case manager in order to find out the status of his check arriving at the Montana State Prison.
11. Plaintiff was informed that both his checking accounts were in the negative. He informed the customer service representative that any and all transactions after his date of arrest were fraudulent and done without his knowledge and/or consent.
12. Plaintiff had to call the customer service representative the following week when he was transferred to another unit in the facility.
13. On July 7th, 2021 the Unit Manager allowed the Plaintiff to use the phone in his office in order to allow him to be able to finalize the fraudulent transaction disputes completely.
14. During this phone call Plaintiff cancelled both of his debit cards and changed the mailing address to his place of incarceration, plus requested monthly bank statements to come to him.

15. Upon the Plaintiff receiving his two bank statements for his checking accounts, he wrote down every unauthorized and fraudulent transaction from the date of his arrest on April 23rd 2021 to the present. The amount fraudulently taken from his two bank accounts were:

CHECKING ACCOUNT No. 665260193	— \$ 863.55
CHECKING ACCOUNT No. 665262173	— \$ 3,150.24
TOTAL	<u>\$ 4,013.79</u>

16. This is a breach of duty and trust that the defendant owes to the Plaintiff for banking with JP Morgan Chase Bank, N.A., especially after he requested that his two checking accounts be froze while he was incarcerated in the Montana State Prison.

17. On July 17th, 2021, Plaintiff was allowed to call the customer service representative once again. During this phone call Plaintiff was informed that his account ending in 0193 was in the negative, yet again. So he transferred enough money from his other account to it in order to zero out the balance so that he could close the account because Chase Bank wasn't protecting his money.

18. On August 15th, 2021, Plaintiff sent the Special Operations Executive, Mr. Tony Horne in San Antonio, Texas a letter by Certified Mail / Return Receipt Requested [TRACKING No. 9171 9690 0935 0234 540997] demanding that he send the \$946.02 still owed to him for Account No. 665260193 and

the \$1,834.85 still owed to him for Account No. 665262173 within seven (7) days of receipt of this letter or a civil lawsuit would be filed.

19. As of the date of the filing of this civil lawsuit, the defendant continues to breach the duty and trust owed to the Plaintiff.

V. LEGAL CLAIMS

20. Plaintiff realleges and incorporates by reference paragraphs 1 through 19.

21. Defendant has a contractual obligation to the Plaintiff to protect his checking accounts, especially after being informed repeatedly, by phone calls and letters, that he was incarcerated and has not seen his wallet, debit cards, either iPhone 11's or his iPads.

22. Plaintiff notified the defendant in writing pursuant to the requirement of Chase Bank policies and Title 15 U.S.C.B. Section 1693 n(g), ELECTRONIC FUNDS TRANSFER ACT.

VI. DAMAGES

WHEREFORE, Plaintiff respectfully pray that this Court enter judgment:

23. Granting Plaintiff a declaration that the acts and omissions

described herein violated Title 15 U.S.C.S. Section 1693m(g),
Electronic Funds Transfer Act;

24. Granting Plaintiff compensatory damages in the amount of
\$4,013.79 for the actual damages;

25. Plaintiff seeks punitive damages in the amount of
\$250,000.00;

26. Plaintiff seeks a jury trial on all issues triable by jury;

27. Plaintiff seeks recovery of his costs in this suit; and

28. Any additional relief this Court deems just, proper,
and equitable.

DATED: 9/22/2021

Respectfully Submitted,



JOHN D. FAILS, JR.

#3022204

MONTANA STATE PRISON

700 CONLEY LAKE RD.

DEER LODGE, MT 59722

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

EXECUTED at Deer Lodge, Montana on the 22nd day of September, 2021



JOHN D. FAILS, JR.

#3022204

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